

RE: Talbot v. Ainuu et al - Mtn for Extension

From: Walker, Leita (walkerl@ballardspahr.com)

To: matthewmonforton@yahoo.com; mike@meloylawfirm.com; jim@goetzlawfirm.com; jtierney@goetzlawfirm.com; salomaonascimento@ballardspahr.com; berlins@ballardspahr.com

Cc: ian.prior@aflegal.org; nicholas.barry@aflegal.org

Date: Tuesday, December 26, 2023 at 11:58 AM MST

Matthew, We certainly understand the timing issues you face and wish Ian a speedy recovery. Our challenge in consenting to your schedule is that the Washington Anti-SLAPP statute requires a hearing within 60 days after filing of the motion. See RCW 4.105.040. The statute also contemplates “expedited” relief, and the lengthy extension you propose is at cross purposes with that objective. Thus, we must oppose your motion. However, if the Court were to find good cause to move the hearing date, consistent with RCW 4.105.040, then we would not oppose your proposed briefing schedule. Also, and for clarity, we would not oppose a motion that proposes deadlines of January 17 for your opposition and January 29 for our reply and a hearing date of February 1. We would ask that you attach this email to your motion (or copy this paragraph into it) so the Court understands we are trying to be reasonable while also respecting the Court’s chosen hearing date, as well as the deadlines contemplated by the applicable Anti-SLAPP statute.

Thanks and please call if you would like to discuss.

Leita

Leita Walker

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From: Matthew Monforton <matthewmonforton@yahoo.com>

Sent: Tuesday, December 26, 2023 9:52 AM

To: Mike Meloy <mike@meloylawfirm.com>; jim@goetzlawfirm.com; jtierney@goetzlawfirm.com; Salomao Nascimento, Isabella <salomaonascimento@ballardspahr.com>; Berlin, Seth D. <BerlinS@ballardspahr.com>; Walker, Leita <WalkerL@ballardspahr.com>

Cc: Ian Prior <ian.prior@aflegal.org>; Nicholas Barry <nicholas.barry@aflegal.org>

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⚠ **EXTERNAL**

Leita:

Thank you for your offer. Unfortunately, we're going to need an extension to Jan 31. Along with scheduling issues resulting from the holidays, I neglected to mention that Ian is scheduled for surgery on Jan 2 and will need a week to recuperate. We intend to ask the court for an extension to Jan 31 for our response briefs, Feb 21 for defendants' reply briefs (which gives you an extra week), and a hearing to be scheduled after Feb 23 (I'll be out of the country from Feb 18-23).

Please let me know if your clients object to our proposed motion.

Thank you,

Matthew G. Monforton, Esq.

CA State Bar #175518, MT State Bar #5245

Monforton Law Offices, PLLC

32 Kelly Court

Bozeman, Montana 59718

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On Friday, December 22, 2023 at 10:26:27 AM MST, Walker, Leita <walkerl@ballardspahr.com> wrote:

Hi, Matthew – thanks for the patience. All defense counsel have now conferred and we are amenable to an extension given the holidays, but we also want to respect the court's chosen hearing date. So we would not oppose a briefing schedule that makes your opposition due on January 17, our reply due on January 29, and the hearing remains the same on February 1.

If you're agreeable to this and want to draft up a motion for our review, we can review and confirm it's unopposed.

Leita

From: Matthew Monforton <matthewmonforton@yahoo.com>
Sent: Thursday, December 21, 2023 2:36 PM
To: Mike Meloy <mike@meloylawfirm.com>; jim@goetzlawfirm.com; jtierney@goetzlawfirm.com; Salomao Nascimento, Isabella <salomaonascimento@ballardspahr.com>; Berlin, Seth D. <BerlinS@ballardspahr.com>; Walker, Leita <WalkerL@ballardspahr.com>
Cc: Ian Prior <ian.prior@aflegal.org>; Nicholas Barry <nicholas.barry@aflegal.org>
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 **EXTERNAL**

Please advise as to your clients' position on our motion.

Also, please note that we will be asking the court to push back the Feb 1 hearing in order to provide sufficient time for the motion to be fully briefed and provide the court with time to review the briefs.

Thank you,

Matthew G. Monforton, Esq.

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On Wednesday, December 20, 2023 at 10:15:59 AM MST, Walker, Leita <walkerl@ballardspahr.com> wrote:

Hi, Matthew, we will confer with our client and circle back, hopefully later today.

Leita

From: Matthew Monforton <matthewmonforton@yahoo.com>
Sent: Wednesday, December 20, 2023 11:09 AM
To: Mike Meloy <mike@meloylawfirm.com>; jim@goetzlawfirm.com; jtierney@goetzlawfirm.com;
Walker, Leita <WalkerL@ballardspahr.com>; Salomao Nascimento, Isabella
<salomaonascimento@ballardspahr.com>; Berlin, Seth D. <BerlinS@ballardspahr.com>
Cc: Ian Prior <ian.prior@aflegal.org>; Nicholas Barry <nicholas.barry@aflegal.org>
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 **EXTERNAL**

Counsel:

In light of the upcoming holidays, Plaintiff Talbot will be filing a motion for an extension of time in which to respond to your motions to dismiss. By my calculation, our responses to North Face's motion and Mr. Ainuu's motion are due on January 8 & 9, respectively. We intend to ask the court to extend the deadline for both responses to January 31. Please let us know if your clients object.

Thank you,

Matthew G. Monforton, Esq.

CA State Bar #175518, MT State Bar #5245

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